

Emergency Closing

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Policy

When an emergency closing of a State facility or workplace occurs, the State shall provide paid time off for employees who are required to evacuate a location or worksite as a result of emergency conditions as determined by emergency/public safety officials or the agency head in consultation with the agency's safety officer or designee. Agency management should make every effort to relocate employees to a safe work location or worksite in lieu of work stoppage. If relocation is not a viable option, employees should be paid for lost time from work during the period of time designated as an emergency closing.

Employees Covered

This policy applies to all employees subject to the Human Resources Act.

Definitions

Emergency Employees: Employees who are required to work during emergency conditions because their positions have been designated by their agency head or designee as necessary in response to a specific emergency situation in compliance with the agency's emergency response plan.

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Emergency Operations: Services that have been determined necessary by the agency head in response to specific emergency conditions. These operations may vary depending on the nature of the emergency situation and shall be identified in the agency's emergency response plan.

Emergency Closing Conditions

Emergency conditions are determined by emergency/public safety officials or the agency head in consultation with the agency's safety officer or designee to be hazardous to life or safety of both the general public as well as employees at a specific location or work-site. Examples of emergency evacuations include catastrophic life threatening natural disasters such as hurricanes, tornados, earthquakes and floods. Evacuation may also result from fire, bomb threats, prolonged disruption of power and/or water, contamination by hazardous agents, terrorist acts or any other conditions that are specifically determined to be hazardous to the life and safety of the general public, customers, clients, patients, students and employees.

Loss of heat and air conditioning does not necessarily constitute an emergency condition. While loss of heat/air may result in uncomfortable working conditions, it is not typically considered life threatening or unsafe for the general public or employees. Employees should be allowed to dress appropriately based on the temperature and may be allowed to use fans or space heaters with the approval of the agency safety officer. Employees with health conditions that may be sensitive to unregulated temperatures should be relocated to an alternate worksite or allowed to use appropriate leave. In the case of prolonged loss of heat and air during times of extreme weather temperature conditions (freeze or heat warnings), an agency head should relocate employees to an alternate worksite, allow employees to temporarily work from home if appropriate, or utilize the "Adverse Weather Policy" located in Section 5 of the State Human Resources Manual to cover the period of suspension of work due to adverse temperatures.

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The University of North Carolina System: The UNC System Office of the President shall make decisions concerning emergency closings as deemed appropriate. In addition, the Office of the President may delegate such authority to the chancellors of constituent institutions and the heads of university affiliated entities.

The declaration of a “State of Emergency” by the Governor does not affect an agency head or designee’s authority and responsibility for making emergency closing decisions and implementing emergency response plans based on the nature of the disaster/emergency; however, during disaster/emergency conditions, the Governor or emergency/public safety officials may order mandatory evacuations of geographic areas of the State impacted by the disaster, order mandatory closure of roads, or order mandatory curfews. In the case of State ordered mandatory evacuations, the emergency closing policy will apply to all worksites in the designated area.

For those agencies that rent office space from non-State entities, the agency should have an agreement or understanding with the landlord as to who makes decisions and communicates facility closings based on emergency conditions at the worksite.

Weather Related Emergency Conditions

Adverse weather conditions typically do not result in an emergency closing at a work location or worksite. Emergency closings are site-specific and dependent upon the determination of an emergency/public safety official or an agency head that the location is not safe for general public, customers, clients, patients, students and employees (both non-mandatory and mandatory) to remain at the work location. Emergency worksite evacuations typically occur as a result of catastrophic life threatening weather conditions such as hurricanes, tornados, floods, etc. The State of North Carolina does not CLOSE due to winter storms (snow and ice) that impact travel conditions (accumulation of ice/snow on roads, parking lots, and sidewalks). Employees should follow the “Adverse Weather Policy” located in Section 5 of the State Human Resources Manual for guidelines on reporting to work during winter storms. Heavy accumulation of snow and

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ice on power lines, trees and rooftops may result in an emergency closing evacuation of a worksite if there is prolonged loss of power/water, downed trees and power lines that make the worksite unsafe, or heavy accumulation of snow/ice on a rooftop that may make the building or structure unstable and the roof may collapse.

Designation of Emergency Employees

Agency heads shall predetermine to the extent possible which employees will be required to work during an emergency closing based on the potential nature of the emergency. Each agency shall develop an emergency response plan which identifies specific processes and procedures for responding to emergency situations.

Failure of Emergency Employees to Report

An emergency employee's failure to report to work or remain at work can result in disciplinary action and/or requiring the hours missed to be charged to leave with or without pay, as appropriate.

Exception: When travel conditions cause an emergency employee to arrive late, the agency head or designee may determine that the conditions justified the late arrival. An emergency employee is expected to notify his/her supervisor or designee of his/her inability to report to work on time due to weather conditions so emergency work operations are covered in his/her absence. In such cases, the lost time will not be charged to the employee's leave balances or to leave without pay, and no disciplinary action will be taken.

Agency Procedures Required

Agencies shall develop written procedures that are consistent with, and incorporate the provisions of, this policy. The procedures shall at least include:

- How employees will be advised of agency, office, or facility closing decisions,
- Which employees are designated as emergency based on the nature of the emergency,
- How employees will be notified that their positions are designated as emergency,

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- That emergency employees are required to report for, or remain at work in emergency situations, and
- An explanation that closing announcements do not apply to emergency employees unless they are instructed otherwise.

If an agency determines that a situation requires employees not designated as "emergency employees" to report for work, or remain at work, during an emergency, the agency should establish a procedure for notifying them individually. Emergency designations may change depending on the nature of the emergency.

Alternate Worksites during Emergency Conditions

If possible, an agency head should reassign employees to alternative worksites within the same commuting area in order to avoid work stoppage. If the emergency conditions are expected to continue for a prolonged period of time, the agency head should consider alternative work arrangements such as flexible work schedules and working from home if applicable.

Accounting for Time

The following shall apply when a state facility or worksite is closed due to emergency conditions:

- Employees who are not required to work at an alternate site or as an emergency employee shall not be required to charge leave or make up the time.
- Emergency employees required to work during the emergency shall be granted emergency time off (ETO) on an hour for hour basis for all hours worked. This time must be used within 12 months of it being awarded. Agencies shall make every effort to give employees the opportunity to take this time off. It should be used after compensatory time off, but must be used before vacation, bonus or sick leave. ETO not taken within 12 months is lost. ETO is not paid out upon separation and does not transfer to another State agency.
- If additional employees, not designated as emergency, are needed for situations such as cleanup and recovery during the time the agencies remain closed, the

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agency head shall compensate them in the same manner as designated emergency employees.

- Non-emergency employees who are reassigned to a different work location to avoid work stoppage or who are approved to work under alternative work arrangements, shall be paid for his/her regular salary for all hours worked but will not be granted ETO.

Employees who are on prearranged vacation leave or sick leave will charge leave to the appropriate account.

Overtime Pay

FLSA subject employees shall receive overtime compensation, either compensatory time or pay, for all hours worked over 40 in accordance with the Hours of Work and Overtime Policy.

FLSA exempt employees may be granted compensatory time or agencies may choose to use the following provision:

When the Governor declares a "State of Emergency," agencies are authorized to pay overtime at straight-time rates to FLSA exempt employees when the following conditions occur:

- A gubernatorial declaration of a "State of Emergency,"
- Management requires employees to work overtime for purposes of response and/or recovery during the emergency, and
- Funds are available to pay overtime. The agency shall determine if funds are available and obtain prior approval from the Office of State Budget and Management to use such funds to cover the overtime payments. The agency shall distribute any overtime pay consistently with a pre-defined standard that treats all employees equitably.

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Reporting Requirements

All emergency closings shall be reported to the State Human Resources Director within five calendar days after the occurrence.